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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

IN RE S.P., a Person Coming Under the  
Juvenile Court Law.

H038279  
(Monterey County  
Super. Ct. No. J45690)

THE PEOPLE,

Plaintiff and Respondent,

v.

S.P.,

Defendant and Appellant.

The minor, S.P., appeals from the April 27, 2012 dispositional order that was held after the juvenile court sustained three separate Welfare and Institutions Code section 602 petitions. The minor had admitted three offenses: disturbing the peace by fighting on school grounds (Pen. Code, § 415.5, subd. (a)); battery (Pen. Code, § 242); and fighting in a public place (Pen. Code, § 415, subd. (1)). Following a contested jurisdictional hearing, the juvenile court found true a second allegation of fighting in a public place. (Pen. Code, § 415, subd. (1).) At the dispositional hearing, the juvenile court placed the minor in the care, custody, and control of the Probation Department but allowed her to continue residing with her mother while receiving Wraparound services and completing the Placement Intervention Program.

On appeal, the minor's appointed counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 that states the case and facts, but raises no issue. We notified the minor of her right to submit written argument on her own behalf within 30 days. The 30-day period has elapsed and we have received no response from the minor. Pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *People v. Kelly* (2006) 40 Cal.4th 106, we have reviewed the entire record. Following the California Supreme Court's direction in *People v. Kelly, supra*, 40 Cal.4th at page 110, we provide a brief description of the facts and the procedural history of the case.

### **FACTUAL AND PROCEDURAL BACKGROUND**

The minor was involved in three different fights, leading to three separate Welfare and Institutions Code section 602 petitions and three probation violation petitions.

#### ***A. The First Fight***

On April 28, 2011, the minor fought with M.P. in a classroom at their school. M.P. had accused the minor of being a "shit talker," and they called each other names. The minor said, "Let's throw it down," then punched M.P. in the face. The two girls exchanged punches and pulled each other's hair.

At the time of the incident, the minor was on probation in Kings County. The petition was transferred to Monterey County on June 10, 2011. A probation violation petition was subsequently filed, although it is not part of the record on appeal.

In addition, on June 16, 2011, the District Attorney filed a Welfare and Institutions Code section 602 petition. The petition initially alleged that the minor committed battery on school grounds (count 1; Pen. Code, § 243.2, subd. (a)) but it was later amended to add a count of disturbing the peace by fighting on school grounds (count 2; Pen. Code, § 415.5, subd. (a)).

On September 2, 2011, the minor admitted count 2 (disturbing the peace by fighting on school grounds). She also admitted some of the allegations of the probation

violation petition. The juvenile court dismissed count 1 and declared the minor a ward of the court.

***B. The Second Fight***

On September 7, 2011, the minor was involved in another fight, this time with J.R. J.R. had posted a negative reference to the minor on Facebook. The minor approached J.R. after school. The minor pushed J.R., grabbed her hair, and punched her. J.R. fought back and was eventually pulled off of the minor.

Based on the above incident, the District Attorney filed a Welfare and Institutions Code section 602 petition alleging one count of fighting in a public place. (Pen. Code, § 415, subd. (1).) A second count, misdemeanor battery (Pen. Code, § 242), was added by a first amended petition. Also based on this incident, the probation officer filed a probation violation petition.

After a contested jurisdictional hearing held on March 21, 2012, juvenile court found true count 1 (fighting in a public place) and dismissed count 2 (battery). The juvenile court also found that the minor was in violation of her probation.

***C. The Third Fight***

On March 21, 2012, the minor was involved in a third fight. The minor, who was with some friends, called the victim over and asked why she was “backing up a scrap at the carnival.” The minor then grabbed the girl by the hair and punched her several times.

Based on the above incident, the District Attorney filed a Welfare and Institutions Code section 602 petition alleging one count of felony battery (Pen. Code, § 242) and one count of felony fighting in a public place (Pen. Code, § 415, subd. (1)). The petition alleged that each count was committed for the benefit of a criminal street gang. (Pen. Code, § 186.22, subd. (d).) A probation violation petition was also filed based on this incident.

On March 29, 2012, the minor admitted both counts of the Welfare and Institutions Code section 602 petition, as misdemeanors. She also admitted the probation violation. The gang allegations were dismissed.

***D. Marsden Hearing***

On November 4, 2011, the juvenile court held a *Marsden* hearing (*People v. Marsden* (1970) 2 Cal.3d 118) after the minor requested replacement of appointed counsel. At the hearing, the juvenile court found no breakdown in the communication between the minor and appointed counsel, and it denied the motion.

***E. Dispositional Hearing***

At the dispositional hearing on April 27, 2012, the juvenile court found that it was in the minor's best interests to remove her from the custody of her parents and commit her to the care, custody, and control of the Probation Department.<sup>1</sup> While calling it a "placement order," the juvenile court allowed the minor to continue residing with her mother while receiving Wraparound services and completing the Placement Intervention Program. The juvenile court also ordered the minor to serve 38 days in juvenile hall, with 38 days of credit for time served.

**DISCUSSION**

Having carefully reviewed the entire record, we conclude that there are no arguable issues on appeal. (*People v. Wende, supra*, 25 Cal.3d at pp. 441-443.)

**DISPOSITION**

The dispositional order of April 27, 2012 is affirmed.

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<sup>1</sup> Prior to the dispositional hearing, the minor's father had filed a petition for custody of the minor.

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BAMATTRE-MANOUKIAN, J.

WE CONCUR:

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ELIA, ACTING P.J.

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MÁRQUEZ, J.